

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>RAS Citron, LLC</b> 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor  Laura Eggerman, Esq. (004722000)	CASE NO.: 17-13149-KCF  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>ALLYSON PIATKOWSKI,</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

NATIONSTAR MORTGAGE LLC ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 3), and states as follows:

1. Debtor, ALLYSON PIATKOWSKI, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on February 18, 2017.
2. Secured Creditor holds a security interest in the Debtor's real property located at 808 SHARON CT, WOODBRIDGE, NJ 07095, by virtue of a Mortgage recorded on December 08, 2004 at Instrument number MG2004076745 of the Public Records of Middlesex County, NJ. Said Mortgage secures a Note in the amount of \$126,000.00.
3. The Debtor filed a Chapter 13 Plan on June 27, 2017.
4. The Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtor are inaccurate and do not conform to Secured Creditor's timely-filed Proof of Claim. The correct pre-petition arrearage due Secured Creditor is \$104,517.31. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$104,517.31. as the pre-petition arrearage over the life of the plan.

5. Debtor's Plan evidences an intent to seek mortgage modification with Secured Creditor. Debtor's Plan makes no provisions for monthly adequate protection payments to Secured Creditor. Based on the express terms of the Debtor's Plan, the proposed payments are calculated at 60% of the regular monthly principal and interest payment, plus 100% of any applicable escrowed amounts. However, an accurate calculation based on 60% of the regular monthly principal and interest payment, plus 100% of any applicable escrowed amounts, results in an adequate protection payment of \$1,014.52. Therefore, Secured Creditor objects to the proposed monthly adequate protection payments and any other payment below \$1,014.52, during the pendency of loss mitigation.
6. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC  
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By: /s/Laura Egerman  
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**CERTIFICATION OF SERVICE**

1. I, Laura Egerman, represent NATIONSTAR MORTGAGE LLC in this matter.
2. On 7/10/2017, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below: **Objection to Confirmation of Debtor's Chapter 13 Plan**
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

7/10/2017

RAS Citron, LLC  
Attorney for Secured Creditor  
130 Clinton Road, Suite 202  
Fairfield, NJ 07004  
Telephone Number <<Special.FirmPhone>

By: /s/Laura Egerman  
Laura Egerman, Esquire  
NJ Bar Number 004722000  
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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Nicholas Fitzgerald, Esq. Fitzgerald & Associates 649 Newark Ave Jersey City, NJ 07306	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<div>(as authorized by the court*)</div> <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<div>(as authorized by the court*)</div> <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
		<div>(as authorized by the court*)</div>